

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Transportation and Interstate Cooperation, to which was referred Senate Bill No. 4, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 7, line 23, delete "or".
- 2 Page 7, line 24, delete "." and insert "; or".
- 3 Page 7, between lines 24 and 25, begin a new line block indented
- 4 and insert:
- 5 **"(4) the International Registration Plan."**
- 6 Page 7, between lines 28 and 29, begin a new paragraph and insert:
- 7 **"Sec. 5. Before enforcing an ordinance adopted under section 4**
- 8 **of this chapter, the local authority must install advance warning**
- 9 **signs along the roadways proceeding to the intersection at which**
- 10 **an automated traffic law enforcement system is located."**
- 11 Page 7, line 29, delete "5." and insert "6. (a)".
- 12 Page 7, between lines 34 and 35, begin a new paragraph and insert:
- 13 **"(b) The local authority shall mail the owner of a motor vehicle**
- 14 **committing a violation of an ordinance adopted under section 4 of**
- 15 **this chapter notice of the ordinance violation. The notice must**
- 16 **include the following:**
- 17 **(1) The name and address of the owner of the motor vehicle.**
- 18 **(2) The registration number of the motor vehicle.**
- 19 **(3) The violation charged.**
- 20 **(4) The location of the intersection.**

(5) The date and time of the violation.

(6) A copy of the recorded image described in subsection (a).

(7) The amount of the civil penalty imposed for the violation.

(c) An ordinance adopted under section 4 of this chapter may not impose a civil penalty exceeding one hundred dollars (\$100).

(d) An ordinance adopted under section 4 of this chapter may authorize the local authority to mail a warning notice to the owner in lieu of imposing a civil penalty for the violation of the ordinance."

Page 7, line 35, delete "6." and insert "7."

Page 8, between lines 11 and 12, begin a new paragraph and insert:

"(c) If the owner of a vehicle establishes the proof required under subsection (a)(2), the ordinance violations bureau or the court that has jurisdiction shall mail a notice of the ordinance violation to the person identified as the person having the care, custody, or control of the motor vehicle at the time of the violation. The proof required under subsection (a)(2) creates a rebuttable presumption that the person having the care, custody, or control of the vehicle at the time of the violation was the driver of the motor vehicle at the time of the violation. The notice required under this subsection must contain:

(1) the information described in section 6(b) of this chapter; and

(2) a statement that the person receiving the notice was identified by the owner of the motor vehicle as the person having the care, custody, or control of the motor vehicle at the time of the violation.

Sec. 8. (a) This section applies only to the owner of a:

(A) truck having a declared gross weight greater than eleven thousand (11,000) pounds;

(B) truck tractor;

(C) tractor;

(D) trailer having a declared gross weight greater than three thousand (3,000) pounds; or

(E) semitrailer;

alleged to have committed a violation of an ordinance adopted under section 4 of this chapter.

(b) It is a defense to a proceeding to enforce an ordinance adopted under section 4 of this chapter if the owner:

(1) proves that at the time of the alleged violation the vehicle was either:

(A) operated by an employee of the owner; or

- 1 **(B) operated by a person other than the owner or an**
 2 **employee of the owner:**
- 3 **(i) under a written agreement for the rental or lease of**
 4 **the vehicle; or**
- 5 **(ii) under a written agreement to transport the vehicle;**
 6 **and;**
- 7 **(2) provides to the ordinance violations bureau or court that**
 8 **has jurisdiction:**
- 9 **(A) the name and address of the employee operating the**
 10 **vehicle at the time of the alleged violation; or**
- 11 **(B) the name and address of the person operating the**
 12 **vehicle under a written agreement described in subdivision**
 13 **(1)(B) at the time of the alleged violation.**
- 14 **(c) The owner of the vehicle may establish the proof required by**
 15 **subsection (b) by submitting, within sixty (60) days after the owner**
 16 **receives notice by mail of the ordinance violation, a copy of:**
- 17 **(1) a document establishing that the employee identified under**
 18 **subsection (b)(2)(A) was operating the vehicle at the time of**
 19 **the alleged violation; or**
- 20 **(2) both of the following:**
- 21 **(A) The written agreement described in subsection**
 22 **(b)(1)(B).**
- 23 **(B) Documentation establishing that the person identified**
 24 **under subsection (b)(2)(B) was operating the vehicle at the**
 25 **time of the alleged violation.**
- 26 **(d) If the owner of a vehicle establishes the proof required under**
 27 **subsection (b), the ordinance violations bureau or the court that**
 28 **has jurisdiction shall mail a notice of the ordinance violation to the**
 29 **person identified as the person operating the vehicle at the time of**
 30 **the violation. The proof required under subsection (b) creates a**
 31 **rebuttable presumption that the person identified in the**
 32 **documentation required under subsection (c) was the operator of**
 33 **the vehicle at the time of the violation. The notice required under**
 34 **this subsection must contain:**
- 35 **(1) the information described in section 6(b) of this chapter;**
 36 **and**
- 37 **(2) a statement that the person receiving the notice was**
 38 **identified by the owner of the vehicle as the person operating**
 39 **the vehicle at the time of the violation.**
- 40 **Sec. 9. (a) This subsection applies to an owner other than an**
 41 **owner described in sections 7 and 8 of this chapter.**
- 42 **(b) It is a defense to a proceeding to enforce an ordinance**

1 **adopted under section 4 of this chapter if the owner provides to the**
2 **ordinance violations bureau or court that has jurisdiction the**
3 **following:**

4 **(1) An affidavit signed under the penalties of perjury that**
5 **neither the owner nor a member of the owner's immediate**
6 **family was driving the motor vehicle at the time of the alleged**
7 **violation.**

8 **(2) An affidavit signed under the penalties of perjury stating**
9 **either of the following:**

10 **(A) The name and address of the person driving the motor**
11 **vehicle at the time of the alleged violation.**

12 **(B) That either the motor vehicle or the license plate of the**
13 **motor vehicle had been stolen before the alleged violation**
14 **occurred and was not under the control or possession of**
15 **the owner at the time of the alleged violation. In addition**
16 **to the affidavit described in this clause, the owner must**
17 **submit proof that a police report was filed concerning the**
18 **stolen motor vehicle or stolen license plate.**

19 **(c) If the owner of a vehicle submits the evidence required under**
20 **subsection (b)(2)(A), the ordinance violations bureau or the court**
21 **that has jurisdiction shall mail a notice of the ordinance violation**
22 **to the person identified as the person driving the motor vehicle at**
23 **the time of the violation. The evidence required under subsection**
24 **(b)(2)(A) creates a rebuttable presumption that the person**
25 **identified in the affidavit required under subsection (b)(2)(A) was**
26 **the driver of the motor vehicle at the time of the violation. The**
27 **notice required under this subsection must contain:**

28 **(1) the information described in section 6(b) of this chapter;**
29 **and**

30 **(2) a statement that the person receiving the notice was**

- 1 **identified by the owner of the motor vehicle as the person driving**
- 2 **the motor vehicle at the time of the violation."**
- 3 Page 8, line 12, delete "7." and insert "**10.**".
(Reference is to SB 4 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 0.

Senator Riegsecker, Chairperson